

**FEDERMAN & SHERWOOD**

William B. Federman (*pro hac vice*)  
120 N. Robinson, Suite 2720  
Oklahoma City, OK 73102  
Telephone: (405) 235-1560  
Facsimile: (405) 239-2112

Attorneys for Plaintiff  
(Additional Counsel Listed on Signature  
Page)

**BINGHAM McCUTCHEN LLP**

Dale E. Barnes, Jr. (SBN 99273)  
Mary T. Huser (SBN 136051)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: 415.393.2000  
Facsimile: 415.393.2286

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREG SUTTERFIELD, Derivatively On  
Behalf of MICROMUSE, INC.

Plaintiff,

vs.

LLOYD CARNEY, et al.,

Defendants.

-and-

MICROMUSE, INC., a Delaware  
corporation,

Nominal Defendant.

Master File No. No. C-04-0893 BZ

DERIVATIVE ACTION

**STIPULATION AND REQUEST FOR  
ORDER RESETTING HEARING DATE  
FOR PRELIMINARY APPROVAL OF  
SETTLEMENT**

Date: September 7, 2005

Time: 10 a.m.

Courtroom: G, 15<sup>th</sup> Floor

Judge: Honorable Bernard Zimmerman

STIPULATION AND REQUEST FOR ORDER RESETTING HEARING DATE FOR PRELIMINARY  
APPROVAL OF SETTLEMENT C-04-0893 BZ

Plaintiff Greg Sutterfield (“Plaintiff”), nominal defendant Micromuse Inc. (“Micromuse” or the “Company”), Gregory Q. Brown, Lloyd Carney, Stephen A. Allott, Michael Luetkemeyer, David A. Wise, David C. Schwab, Michael B. Jackson, and Kathleen Wallman (collectively referred to as “Defendants”), by and through their counsel, recite, stipulate and request that the Court order that hearing on Motion of Federal Derivative Action Plaintiff for Preliminary Approval of (1) Proposed Settlement of the Federal Derivative Action, (2) Form of Settlement Notice, and (3) Scheduling Hearing on Final Approval of Settlement and for Award of Attorneys’ Fees and Reimbursement of Expenses (“Motion of Derivative Plaintiff for Preliminary Approval”) be advanced from September 21, 2005 to September 7, 2005 at 10:00 a.m. or as soon thereafter as the Court may determine.

Dated: August 29, 2005

**BINGHAM McCUTCHEN LLP**

/s/  
 Dale E. Barnes, Jr.  
 Mary T. Huser  
 Three Embarcadero Center  
 San Francisco, CA 94111  
 Telephone: (415) 393-2000

Attorneys for Defendant Micromuse, Inc.  
 and the Individual Defendants

1 Dated: August 29, 2005

**FEDERMAN & SHERWOOD**

2  
3 /s/

4 William B. Federman  
120 N. Robinson, Suite 2720  
5 Oklahoma City, OK 73102  
Telephone: (405) 235-1560  
6 Facsimile: (405) 239-2112

7 -and-

8 **GREEN WELLING LLP**

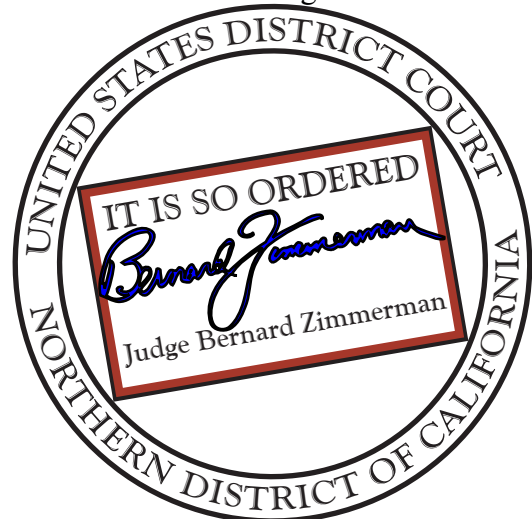
9 Robert S. Green  
235 Pine Street, 15<sup>th</sup> Floor  
10 San Francisco, CA 94104  
Telephone: (415) 477-6700  
11 Facsimile: (415) 477-6710

12 Attorneys for Plaintiff Greg Sutterfield

13  
14  
15 **Good cause appearing therefore, hearing on Motion of Derivative Plaintiff for**  
16 **Preliminary Approval is set before this Court at 10:00 a.m. on September 7, 2005.**  
17

18 Dated: August 29, 2005

19 United States District Judge



STIPULATION AND REQUEST FOR ORDER RESETTING HEARING DATE FOR PRELIMINARY  
APPROVAL OF SETTLEMENT C-04-0893 BZ